

THE HONORABLE JOHN H. CHUN

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

GIZACHEW WONDIE, a single man,

Plaintiff,

vs.

KING COUNTY, a political subdivision of
the State of Washington; KING COUNTY
SHERIFF'S OFFICE, an entity of King
County; KATHLEEN DECKER, in her
official and individual capacities; GEORGE
ALVAREZ, in his official and individual
capacities; and JOHN / JANE DOE
OFFICERS 1-10, in their official and
individual capacities,

Defendants.

NO. 2:21-CV-01623-JHC

DEFENDANT GEORGE ALVAREZ'S
ANSWER TO PLAINTIFF'S
COMPLAINT FOR DAMAGES

COMES NOW defendant George Alvarez ("defendant Alvarez") by and through his undersigned counsel of record, Scott Wakefield, Dan Kirkpatrick, and Zach Parker of Wakefield & Kirkpatrick, PLLC, and make the following answer to Plaintiff's Complaint for Damages ("Complaint").

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DEFENDANT GEORGE ALVAREZ'S ANSWER TO
PLAINTIFF'S COMPLAINT FOR DAMAGES Answer - 1
(Case No. 2:21-CV-01623-RSL)

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I. INTRODUCTION

1.1 Paragraph 1.1 sets forth legal conclusions and questions of law to which no response is required. In so far as a response is required, defendant Alvarez denies paragraph 1.1.

1.2 Paragraph 1.2 sets forth legal conclusions and questions of law to which no response is required. In so far as a response is required, defendant Alvarez denies paragraph 1.2.

1.3 Paragraph 1.3 sets forth legal conclusions and questions of law to which no response is required. In so far as a response is required, defendant Alvarez denies paragraph 1.3.

1.4 Paragraph 1.4 sets forth legal conclusions and questions of law to which no response is required. In so far as a response is required, defendant Alvarez denies paragraph 1.4.

1.5 Paragraph 1.5 sets forth legal conclusions and questions of law to which no response is required. In so far as a response is required, defendant Alvarez denies paragraph 1.5.

1.6 Defendant Alvarez admits only that, according to the court file for USDC Case No. 18-cr-00315-RAJ-1, the Franks Motion and motion to suppress evidence were granted and that the criminal charges against Mr. Wondie were dismissed with prejudice. Defendant Alvarez denies any remaining allegations.

1.7 Defendant Alvarez makes no response to paragraph 1.7 of plaintiff's complaint as the court records speak for themselves and no response is required. In so far as a response is required, defendant Alvarez denies paragraph 1.7.

1.8 Defendant Alvarez makes no response to paragraph 1.8 of plaintiff's complaint, as it does not pertain to defendant Alvarez and contains legal conclusions for which no response is required. In so far as a response is required, defendant Alvarez denies paragraph 1.8.

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II. JURISDICTION AND VENUE

2.1 Defendant Alvarez admits paragraph 2.1 of plaintiff's complaint.

2.2 Defendant Alvarez admits paragraph 2.2 of plaintiff's complaint.

III. THE PARTIES

3.1 In answering paragraph 3.1 of plaintiff's complaint, defendant Alvarez denies for lack of information.

3.2 Paragraph 3.2 of plaintiff's Complaint makes no allegations that pertain to defendant Alvarez, and thus, they do not require a response. To the extent that defendant Alvarez needs to respond to this paragraph, he denies for lack of information.

3.3 Paragraph 3.3 of plaintiff's Complaint makes no allegations that pertain to defendant Alvarez, and thus, they do not require a response. To the extent that defendant Alvarez needs to respond to this paragraph, he denies for lack of information.

3.4 Defendant Alvarez admits the allegations in paragraph 3.4 of plaintiff's complaint.

IV. FACTUAL ALLEGATIONS

Mr. Wondie is arrested without probable cause.

4.1 Paragraph 4.1 of plaintiff's Complaint makes no allegations that pertain to defendant Alvarez, and thus, they do not require a response. To the extent that defendant Alvarez needs to respond to this paragraph, he denies for lack of information.

4.2 In answering paragraph 4.2 of plaintiff's complaint, defendant Alvarez admits that agents for SWAT and MCUTF met Mr. Wondie by the vehicle he had driven and asked Mr. Wondie to show his hands. Defendant Alvarez denies all other allegations in this paragraph.

1 4.3 Paragraph 4.3 of plaintiff's Complaint makes no allegations that pertain to
2 defendant Alvarez, and thus, they do not require a response. To the extent that defendant Alvarez
3 needs to respond to this paragraph, he denies for lack of information.

4 4.4 Paragraph 4.4 of plaintiff's Complaint makes no allegations that pertain to
5 defendant Alvarez, and thus, they do not require a response. To the extent that defendant Alvarez
6 needs to respond to this paragraph, he denies for lack of information.

7 4.5 Defendant Alvarez denies the allegations in paragraph 4.5 of plaintiff's complaint.
8
9 **Detective Decker believed Mr. Wondie had possession of a firearm related to Ms. Riley's**
10 **murder.**

11 4.6 Paragraph 4.6 of plaintiff's Complaint makes no allegations that pertain to
12 defendant Alvarez, and thus, they do not require a response. To the extent that defendant Alvarez
13 needs to respond to this paragraph, he denies for lack of information.

14 4.7 Paragraph 4.7 of plaintiff's Complaint makes no allegations that pertain to
15 defendant Alvarez, and thus, they do not require a response. To the extent that defendant Alvarez
16 needs to respond to this paragraph, he denies for lack of information.

17 4.8 Paragraph 4.8 of plaintiff's Complaint makes no allegations that pertain to
18 defendant Alvarez, and thus, they do not require a response. To the extent that defendant Alvarez
19 needs to respond to this paragraph, he denies for lack of information.

20 4.9 Paragraph 4.9 of plaintiff's Complaint makes no allegations that pertain to
21 defendant Alvarez, and thus, they do not require a response. To the extent that defendant Alvarez
22 needs to respond to this paragraph, he denies for lack of information.
23
24
25

1 4.10 Paragraph 4.10 of plaintiff's Complaint makes no allegations that pertain to
2 defendant Alvarez, and thus, they do not require a response. To the extent that defendant Alvarez
3 needs to respond to this paragraph, he denies for lack of information.

4 4.11 Paragraph 4.11 of plaintiff's Complaint makes no allegations that pertain to
5 defendant Alvarez, and thus, they do not require a response. To the extent that defendant Alvarez
6 needs to respond to this paragraph, he denies for lack of information.

7 4.12 Paragraph 4.12 of plaintiff's Complaint makes no allegations that pertain to
8 defendant Alvarez, and thus, they do not require a response. To the extent that defendant Alvarez
9 needs to respond to this paragraph, he denies for lack of information.
10

11 4.13 Paragraph 4.13 of plaintiff's Complaint makes no allegations that pertain to
12 defendant Alvarez, and thus, they do not require a response. To the extent that defendant Alvarez
13 needs to respond to this paragraph, he denies for lack of information.

14 4.14 Paragraph 4.14 of plaintiff's Complaint makes no allegations that pertain to
15 defendant Alvarez, and thus, they do not require a response. To the extent that defendant Alvarez
16 needs to respond to this paragraph, he denies for lack of information.
17

18 4.15 Paragraph 4.15 of plaintiff's Complaint makes no allegations that pertain to
19 defendant Alvarez, and thus, they do not require a response. To the extent that defendant Alvarez
20 needs to respond to this paragraph, he denies for lack of information.

21 **Detective Decker attempts to tie Mr. Wondie to gang violence.**

22 4.16 Paragraph 4.16 of plaintiff's Complaint makes no allegations that pertain to
23 defendant Alvarez, and thus, they do not require a response. To the extent that defendant Alvarez
24 needs to respond to this paragraph, he denies for lack of information.
25

1 4.17 Paragraph 4.17 of plaintiff's Complaint makes no allegations that pertain to
2 defendant Alvarez, and thus, they do not require a response. To the extent that defendant Alvarez
3 needs to respond to this paragraph, he denies for lack of information.

4 4.18 Paragraph 4.18 of plaintiff's Complaint makes no allegations that pertain to
5 defendant Alvarez, and thus, they do not require a response. To the extent that defendant Alvarez
6 needs to respond to this paragraph, he denies for lack of information.

7 4.19 Paragraph 4.19 of plaintiff's Complaint makes no allegations that pertain to
8 defendant Alvarez, and thus, they do not require a response. To the extent that defendant Alvarez
9 needs to respond to this paragraph, he denies for lack of information.
10

11 4.20 Paragraph 4.20 of plaintiff's Complaint makes no allegations that pertain to
12 defendant Alvarez, and thus, they do not require a response. To the extent that defendant Alvarez
13 needs to respond to this paragraph, he denies for lack of information.

14 4.21 Paragraph 4.21 of plaintiff's Complaint makes no allegations that pertain to
15 defendant Alvarez, and thus, they do not require a response. To the extent that defendant Alvarez
16 needs to respond to this paragraph, he denies for lack of information.
17

18 **Detective Decker falsely testified Mr. Wondie had a propensity for violence.**

19 4.22 Paragraph 4.22 of plaintiff's Complaint makes no allegations that pertain to
20 defendant Alvarez, and thus, they do not require a response. To the extent that defendant Alvarez
21 needs to respond to this paragraph, he denies for lack of information.

22 4.23 Paragraph 4.23 of plaintiff's Complaint makes no allegations that pertain to
23 defendant Alvarez, and thus, they do not require a response. To the extent that defendant Alvarez
24 needs to respond to this paragraph, he denies for lack of information.
25

Detective Decker presents false information under oath that forms the factual basis for the warrant issued by a King County Superior Court Judge.

4.24 Paragraph 4.24 of plaintiff's Complaint makes no allegations that pertain to defendant Alvarez, and thus, they do not require a response. To the extent that defendant Alvarez needs to respond to this paragraph, he denies for lack of information.

4.25 Paragraph 4.25 of plaintiff's Complaint makes no allegations that pertain to defendant Alvarez, and thus, they do not require a response. To the extent that defendant Alvarez needs to respond to this paragraph, he denies for lack of information.

The Government pursues charges against Mr. Wondie.

4.26 Defendant Alvarez admit the allegations contained in the first three sentences of paragraph 4.26. Defendant Alvarez admits only that the last sentence contains quotes taken from the Complaint filed in USDC Case No. 18-cr-00315-RAJ-1 and that this document speaks for itself. To the extent that these allegations allege any wrongdoing by defendant Alvarez, they are denied.

4.27 Paragraph 4.27 of plaintiff's Complaint makes no allegations that pertain to defendant Alvarez, and thus, they do not require a response. To the extent that defendant Alvarez needs to respond to this paragraph, he denies it.

4.28 Paragraph 4.28 of plaintiff's Complaint makes no allegations that pertain to defendant Alvarez, and thus, they do not require a response. To the extent that defendant Alvarez needs to respond to this paragraph, he denies it.

4.29 Paragraph 4.29 of plaintiff's Complaint makes no allegations that pertain to defendant Alvarez, and thus, they do not require a response. To the extent that defendant Alvarez needs to respond to this paragraph, he denies for lack of information.

1 4.30 Paragraph 4.30 of plaintiff's Complaint makes no allegations that pertain to
2 defendant Alvarez, and thus, they do not require a response. To the extent that defendant Alvarez
3 needs to respond to this paragraph, he denies for lack of information.

4 4.31 Paragraph 4.29 of plaintiff's Complaint makes no allegations that pertain to
5 defendant Alvarez, and thus, they do not require a response. To the extent that defendant Alvarez
6 needs to respond to this paragraph, he denies for lack of information.

7 4.32 Defendant Alvarez admits the allegations in paragraph 4.32 of plaintiff's complaint.

8 4.33 Defendant Alvarez denies the allegations in the first sentence of paragraph 4.33
9 because the date alleged appears incorrect. Defendant Alvarez admits the second sentence of
10 paragraph 4.33. Defendant Alvarez does not have sufficient information to deny or admit the final
11 sentence of paragraph 4.33, and to the extent an answer is required, he denies it.
12

13 4.34 Paragraph 4.34 sets forth legal conclusions and questions of law to which no
14 response is required. In so far as a response is required, defendant Alvarez denies paragraph 4.34.
15

16 4.35 Paragraph 4.35 sets forth legal conclusions and questions of law to which no
17 response is required. In so far as a response is required, defendant Alvarez denies paragraph 4.35.

18 **V. CAUSE OF ACTION – CLAIMS PURSUANT to 42 U.S.C. §1983 and §1988**

19 5.1 Defendant Alvarez realleges his previous responses to plaintiff's complaint as if
20 fully set for herein.

21 5.2 Paragraph 5.2 sets forth legal conclusions and questions of law to which no
22 response is required. In so far as a response is required, defendant Alvarez denies paragraph 5.2.
23

24 5.3 Paragraph 5.3 sets forth legal conclusions and questions of law to which no
25 response is required. In so far as a response is required, defendant Alvarez denies paragraph 5.3.

5.4 Paragraph 5.4 sets forth legal conclusions and questions of law to which no response is required. In so far as a response is required, defendant Alvarez denies paragraph 5.4.

5.5 Paragraph 5.5 sets forth legal conclusions and questions of law to which no response is required. In so far as a response is required, defendant Alvarez denies paragraph 5.5.

5.6 Paragraph 5.6 sets forth legal conclusions and questions of law to which no response is required. In so far as a response is required, defendant Alvarez denies paragraph 5.6.

5.7 Paragraph 5.7 sets forth legal conclusions and questions of law to which no response is required. In so far as a response is required, defendant Alvarez denies paragraph 5.7.

5.8 Paragraph 5.8 sets forth legal conclusions and questions of law to which no response is required. In so far as a response is required, defendant Alvarez denies paragraph 5.8.

5.9 Paragraph 5.9 sets forth legal conclusions and questions of law to which no response is required. In so far as a response is required, defendant Alvarez denies paragraph 5.9.

5.10 Paragraph 5.10 sets forth legal conclusions and questions of law to which no response is required. In so far as a response is required, defendant Alvarez denies paragraph 5.10.

5.11 Paragraph 5.11 sets forth legal conclusions and questions of law to which no response is required. In so far as a response is required, defendant Alvarez denies paragraph 5.11.

5.12 Paragraph 5.12 sets forth legal conclusions and questions of law to which no response is required. In so far as a response is required, defendant Alvarez denies paragraph 5.12.

VI. PRAYER FOR RELIEF

Defendant Alvarez denies each and every allegation or demand in plaintiff's Prayer for Relief and denies that plaintiff is entitled to the relief requested therein from him.

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AFFIRMATIVE DEFENSES

By way of further answer to plaintiff's Complaint, Defendant Alvarez asserts the following affirmative defenses:

AFFIRMATIVE DEFENSE NO. 1: The plaintiff has failed to mitigate his damages and to protect himself from avoidable consequences.

AFFIRMATIVE DEFENSE NO. 2: If any payments were made to or on behalf of plaintiff by defendant Alvarez, or on behalf of defendant Alvarez, they should be credited against any judgment for plaintiff in this action against defendant Alvarez.

AFFIRMATIVE DEFENSE NO. 3: Plaintiff's injuries and damages, if any, were proximately caused by the negligence of others, including, but not limited to, plaintiff, for whom defendants are not responsible and over whom it exercises no control. Defendant Alvarez respectfully requests that the Court apportion plaintiff's damages, if any, among the parties and entities responsible, in accordance with RCW 4.22.070. Defendant Alvarez reserves the right to amend or strike this affirmative defense as investigation and discovery are ongoing.

AFFIRMATIVE DEFENSE NO. 4: Plaintiff's injuries and damages may have been caused by intervening and/or superseding causes over which Defendant Alvarez had no control.

AFFIRMATIVE DEFENSE NO. 5: Plaintiff's claim against Mr. Alvarez should be dismissed based upon the doctrine of qualified immunity.

AFFIRMATIVE DEFENSE NO. 6: Plaintiff's claims should be estopped, or, at a minimum, offset based on the doctrine of unclean hands.

AFFIRMATIVE DEFENSE NO. 7: At times relevant to Plaintiff's Complaint, Mr. Alvarez, with a reputation for truthfulness and good character, acted lawfully, in good faith,

1 without malice, within the course and scope of his employment and duties, with a reasonable belief
2 that his actions were lawful and proper and without mal intent.

3 **AFFIRMATIVE DEFENSE NO. 8:** Mr. Alvarez incorporates the affirmative defenses of
4 any other defendant in this litigation to the extent such affirmative defenses are consistent with
5 Mr. Alvarez's Answer and Affirmative Defenses to Plaintiff's Complaint for Damages.

6 **SPECIFIC RESERVATION:** Defendant Alvarez reserves his right to amend the Answer
7 by way of additional affirmative defenses, counterclaims, cross-claims, or by instituting third-party
8 actions as additional facts are obtained through further investigation and discovery.

9
10 **PRAYER FOR RELIEF**

11 WHEREFORE having previously answered plaintiff's Complaint and having asserted
12 affirmative defenses, Defendant Alvarez prays the Court for the following relief:

- 13 1. For dismissal of plaintiff's Complaint, with prejudice;
- 14 2. For Defendants costs of defense incurred in this action, including reasonable
15 attorneys' fees, as permitted by statute, contract, court rule, case law authority, or recognized
16 ground in equity; and,
- 17 3. For such other and further relief as the Court deems just and equitable in the
18 circumstances.

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1 DATED this 20th day of May, 2022.

2 WAKEFIELD & KIRKPATRICK, PLLC

3
4 By s/ Scott C. Wakefield

5 By s/ Dan Kirkpatrick

6 By s/ Zach Parker

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18 Attorneys for Defendant George Alvarez

CERTIFICATE OF SERVICE

I hereby certify that on May 20th, 2022, I electronically filed the following document(s):

1. DEFENDANT GEORGE ALVAREZ'S ANSWER TO PLAINTIFF'S
COMPLAINT FOR DAMAGES

with the Clerk of the Court using the CM/ECF system, which will send notification of such filing
to the following:

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s/ Erica Solbrig

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